

Reference: AR 03-000894

CRIME: 245(c) PC, Assault with a Deadly Weapon on Peace Officer
69 PC, Resisting Arrest by Force
148(d) PC, Attempted Removal of Firearm from Peace Officer

VICTIM: Officer James BRAY, ID #210

SUSPECT: Dayne Patrick PARIS, [REDACTED]

REFERENCE: Statement of Case

On 1-16-03 at approximately 2159 hours, a security guard at the Timbers Apartment at 1110 Petree, called ECPD dispatch to advice of a suspicious subject in the area. The security guard, [REDACTED], said that the subject, later identified as Dayne Patrick PARIS, dob [REDACTED], was checking parked cars, and appeared to be talking to himself. [REDACTED] advised dispatch that the subject was a white male adult, with long shaggy hair, wearing a leather jacket and white pants. He also appeared to possibly be under the influence of a controlled substance. During the phone call, [REDACTED] lost sight of the subject and said he would call back if he saw PARIS again. [REDACTED] told dispatch that the subject was walking towards Parkway Plaza and was last seen in front of 1110 Petree.

At about 2224 hours, [REDACTED] recalled ECPD Dispatch to advise that PARIS was in front of Petsmart, 855 Jackman, in the area of the front doors. When this information was broadcast, Officer BRAY was on duty, in uniform, and driving a marked El Cajon Police Department Canine vehicle at the intersection of Johnson and Fletcher Parkway. BRAY turned off of Johnson Avenue and into the south parking lot for the Washington Mutual Bank, at 866 North Johnson Avenue. As BRAY entered the parking lot and brought his vehicle to a stop, he saw a subject matching the description given by [REDACTED], walking in the south parking lot of the bank, eastbound towards Johnson Avenue from the area of Petsmart.

BRAY exited his vehicle and called out to the subject requesting to speak with him, but the subject would not look at BRAY and continued walking, as if BRAY was not present. The distance between BRAY and the PARIS at that time was approximately twenty feet. When BRAY called to PARIS the second time, PARIS was even with the front passenger door on BRAY's police vehicle and again PARIS looked straight ahead and did not acknowledge Officer BRAY or the statements made by him. At the time of the second verbal attempted contact, BRAY's canine partner began barking and PARIS had no reaction to the dog's loud barking, even though he was immediately adjacent to the window where the dog was standing.

PARIS continued walking eastbound towards Johnson Avenue and Officer BRAY called to him a third time, while standing at the rear of his vehicle in about the middle of the trunk area. The distance between BRAY and PARIS was approximately five to six feet at this time. The subject kept walking and the fourth time that BRAY called to him, he was approximately ten feet away

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and PARIS was almost to the west sidewalk of Johnson Avenue. When BRAY called to PARIS this last time, the subject stopped, turned to his right to make eye contact with BRAY, and then began running away from BRAY eastbound across Johnson Avenue.

BRAY advised he was in foot pursuit of PARIS crossing Johnson Avenue, and then northbound along the east sidewalk. BRAY ran diagonally to the direction that PARIS was running, and met up with him on the east sidewalk, just south of World Savings Bank, 695 Fletcher Parkway. BRAY ordered the subject to stop and placed his hand flat against PARIS' left biceps area. He was standing perpendicular to him with his back towards Johnson Avenue. PARIS stopped and turned his head towards BRAY, and then struck BRAY's left cheek with his right fist. BRAY then grabbed PARIS by his shirt and jacket and forced him to the ground in the parking lot on the south side of World Savings Bank, immediately adjacent to the sidewalk. PARIS went to the ground on his knees, and began striking BRAY with his fists. When BRAY tried to force PARIS to the ground with his knee, PARIS grabbed Officer BRAY around the legs and knocked him to the ground. PARIS began hitting BRAY with his fists in the area of BRAY's face, head, neck and upper torso. While PARIS was striking BRAY, he was repeatedly yelling, "Fucker! Fucker!" BRAY said he was returning blows on PARIS, hitting him with the heels of his hands in the area of his head and upper torso, but the blows were having no effect. BRAY and PARIS continued in this manner until PARIS got on top of BRAY and began striking him in the head with his fist. Due to the blows to the head, BRAY began "seeing stars" and felt that he was losing consciousness. Based on PARIS' actions, BRAY believed that PARIS meant to seriously injure or kill him and he pushed PARIS back with his left hand, drew his duty weapon with his right hand, and BRAY fired two rounds into PARIS' torso. BRAY's shots had no effect on PARIS and BRAY fired a third shot in the same manner, which also had no effect.

After the shots were fired, PARIS began wrestling with BRAY over control of BRAY's gun. BRAY activated the emergency button on his hand held radio, while trying to retain control of his duty weapon. PARIS was struggling for control of the gun with BRAY, and in the process was turning the gun towards BRAY's mid-section. BRAY's finger was still in the trigger guard with the trigger pulled back from the third shot. PARIS was striking BRAY in the face and head with his fists, while turning the gun towards BRAY. When the gun was pointed at BRAY, PARIS put his finger inside the trigger guard and was trying to pull the trigger and shoot BRAY.

BRAY noticed during this struggle what PARIS was doing. He also noticed that the barrel was extending past the end of the slide, and the slide was in a pulled back position, as a casing had been caught in the ejection port. PARIS continued to try to shoot BRAY with his own weapon, and BRAY was able to force PARIS off of him. BRAY got to his knees with PARIS on his knees directly behind BRAY. PARIS was continuing to hit BRAY in the back and head. BRAY cleared the malfunction, turned to his left, and fired two rounds at PARIS.

PARIS and BRAY got to their feet, and PARIS began running in a northeast direction in the parking lot, away from BRAY and towards Fletcher Parkway. BRAY called to PARIS, and from a distance of approximately ten feet, PARIS stopped, and turned back towards Officer BRAY. At this time Officer BRAY believed that PARIS was going to assault him again, at which time Officer BRAY fired two more shots at PARIS. PARIS turned away from BRAY, took a step, and fell to the ground.

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BRAY advised responding units of his location and other units arrived, assisted BRAY, and took PARIS into custody. Paramedics transported PARIS to Sharp Hospital for treatment. As of January 18, 2003 PARIS was extubated, but still in the Intensive Care Unit. ECPD Detectives attempted to interview PARIS, but he refused to cooperate.

Respectfully submitted,

J. WOODDELL, #150
INVESTIGATIONS DIVISION
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1/20/03 10:46 AM



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VICTIM: Officer James BRAY, ID #210

SUSPECT: Dayne Patrick PARIS, dob [REDACTED]

REFERENCE: Revised Statement of Case

FACTS:

After completing the statement of case and providing the same to the District Attorney's Office, I was reviewing the transcript of Officer BRAY's interview. Upon review of BRAY's statements, I realized that I had misquoted Officer BRAY. As it pertained to PARIS' actions after the struggle on the ground with BRAY for the gun and BRAY shooting him, BRAY said that PARIS got approximately ten feet from him and then stopped. This was not in response to any command or direction given by BRAY, as BRAY was thinking to himself that another foot pursuit was about to ensue. BRAY said when PARIS stopped, he twisted at the waist to his right, looked back at BRAY, and started to turn in his direction. BRAY believed that PARIS was returning to re-engage him, and that's when BRAY fired the last two rounds.

Respectfully submitted,

J. WOODDELL, #150
INVESTIGATIONS DIVISION
1/27/03 1:42 PM

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